

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
SUCCESSOR TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR THE
HOLDERS OF THE MLMI SURF TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-AB1,

Plaintiffs,

v.

ELKHORN COMMUNITY ASSOCIATION;
7321 WANDERING STREET TRUST;
DOE INDIVIDUALS I-X, inclusive; and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. 2:15-cv-1272-APG-PAL

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT**

(ECF No. 34)

On February 18, 2016, I granted the motion to dismiss filed by defendant 7321 Wandering Street Trust and ordered the complaint dismissed. ECF No. 31. The clerk's judgment was entered the same day. ECF No. 32. On March 17, 2016, defendant 7321 Wandering Street Trust filed a motion for summary judgment. ECF No. 34. Because the complaint has been dismissed, the motion for summary judgment is moot. Similarly, because the complaint was dismissed, the defendants cannot be liable to the plaintiff; therefore, the defendants have no claims against the third-party defendant. Thus, the third-party defendant's motion for summary judgment (ECF No. 30) is likewise moot.

IT IS THEREFORE ORDERED that the motion for summary judgment (ECF No. 34) is **DENIED AS MOOT.**

Dated: April 15, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE